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HOUSE BILL 1243

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

EDWARD C. SANDOVAL

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR SALESPERSON LICENSING FEES; RESTRICTING CERTAIN SALES ACTIVITIES; PROVIDING LICENSING REQUIREMENTS; AMENDING AND ENACTING CERTAIN SECTIONS OF THE MOTOR VEHICLE CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-1-4.19 NMSA 1978 (being Laws 1990, Chapter 120, Section 20) is amended to read:

"66-1-4.19. DEFINITIONS. -- As used in the Motor Vehicle Code:

A. "validating sticker" means the tab or sticker issued by the division to signify, upon a registration plate, renewed registration;

B. "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a

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[bracketed material] = delete

1 highway, including any frame, chassis or body of any vehicle or
2 motor vehicle, except devices moved exclusively by human power
3 or used exclusively upon stationary rails or tracks; ~~and]~~

4 C. "vehicle salesperson" means any individual who,
5 for any compensation, whether from a dealer or other person,
6 buys, sells or exchanges or negotiates or attempts to negotiate
7 a sale, lease or exchange of an interest in a motor vehicle
8 required to be registered under the Motor Vehicle Code or
9 induces or attempts to induce any other person to buy, lease or
10 exchange an interest in such a vehicle. "Vehicle salesperson"
11 does not include:

12 (1) dealers, distributors or manufacturers;

13 (2) receivers, trustees, administrators,
14 executors, guardians or other persons appointed by or acting
15 under judgment, decree or order of any court;

16 (3) public officers while performing their
17 duties as such officers;

18 (4) persons making casual sales of their own
19 vehicles;

20 (5) finance companies, banks and other lending
21 institutions making sales of repossessed vehicles;

22 (6) licensed brokers under the Manufactured
23 Housing Act who, for a fee, commission or other valuable
24 consideration, engage in brokerage activities related to the
25 sale, exchange or lease-purchase of pre-owned manufactured homes

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1 on sites installed for a consumer;

2 (7) persons selling only motorcycles or
3 snowmobiles;

4 (8) persons arranging the lease of a vehicle
5 for less than one hundred eighty days; or

6 (9) persons whose principal duties in the
7 business of a dealer do not involve inducements or solicitations
8 to transfer an interest in a vehicle required to be registered
9 under the Motor Vehicle Code or holding oneself out as assisting
10 in such a transaction; and

11 ~~[C.]~~ D. "vehicle-business number" means the
12 distinctive registration number given by the division to any
13 manufacturer, wrecker of vehicles or dealer. "

14 Section 2. Section 66-4-4 NMSA 1978 (being Laws 1978,
15 Chapter 35, Section 217) is amended to read:

16 "66-4-4. CRIMINAL OFFENDER'S CHARACTER EVALUATION. -- The
17 provisions of the Criminal Offender Employment Act ~~[shall]~~
18 govern any consideration of criminal records required or
19 permitted by Sections ~~[64-4-1 through 64-4-9 NMSA 1953]~~ 66-4-1
20 through 66-4-9 NMSA 1978; provided that no license to carry on
21 the business of dealer shall be issued to a person or a
22 corporation owned or controlled by a person convicted of a
23 felony. The division shall have the authority to require the
24 submission of information necessary for the enforcement of this
25 section. "

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1 Section 3. A new section of the Motor Vehicle Code is
2 enacted to read:

3 "[NEW MATERIAL] VEHICLE SALESPERSON-- LICENSE REQUIRED. --

4 A. No person, unless licensed to do so by the
5 division, shall carry on or conduct the activities of a vehicle
6 salesperson.

7 B. The applicant for a vehicle salesperson license
8 shall submit to the director:

9 (1) a completed application on a form
10 prescribed by the director;

11 (2) a fee of fifty dollars (\$50.00) to be paid
12 every two years from the date of the initial application;

13 (3) two complete sets of fingerprints taken
14 under the supervision of and certified to by an officer of the
15 New Mexico state police, a county sheriff or a municipal chief
16 of police, a consent form to undergo a federal bureau of
17 investigation background check and payment for the cost of the
18 federal bureau of investigation background check; and

19 (4) a written statement by a licensed dealer by
20 whom the applicant is or will be employed, certifying that the
21 applicant has been accepted by the licensed dealer for
22 employment as a vehicle salesperson. "

23 Section 4. A new section of the Motor Vehicle Code is
24 enacted to read:

25 "[NEW MATERIAL] VEHICLE SALESPERSON-- QUALIFICATIONS. -- No

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[bracketed material] = delete

1 person shall be licensed as a vehicle salesperson who:

2 A. does not have a valid New Mexico license to
3 operate a motor vehicle;

4 B. has had a license to operate a motor vehicle
5 suspended twice within the five years immediately preceding
6 licensure for operating a motor vehicle while under the
7 influence of intoxicating liquor or drugs or for failure to
8 submit to a test to determine the alcoholic content of his blood
9 for the purpose of determining whether he was so operating a
10 vehicle; or

11 C. has been convicted of a felony."

12 Section 5. A new section of the Motor Vehicle Code is
13 enacted to read:

14 "[NEW MATERIAL] EMPLOYMENT TERMINATION-- LICENSE
15 REISSUANCE. --

16 A. A vehicle salesperson license shall be issued to
17 the salesperson, but shall be kept in the physical possession of
18 the dealer at all times, except when requested by a government
19 official or a member of the public.

20 B. Upon termination of employment of any vehicle
21 salesperson, the dealer shall send notice of the termination,
22 together with the salesperson's license, to the division within
23 ten days of the termination. If the salesperson is going to
24 work as a salesperson for another dealer, the individual may
25 submit a new application, on a form prescribed by the division,

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Underscored material = new
[bracketed material] = delete

1 but without fingerprints and with an application fee of ten
2 dollars (\$10.00). The division shall re-issue the new license
3 within ten days of receiving the application. "

4 Section 6. A new section of the Motor Vehicle Code is
5 enacted to read:

6 "[NEW MATERIAL] TEMPORARY LICENSE. -- Upon application, the
7 division shall issue a temporary license to any individual
8 applying for a permanent vehicle salesperson license, other than
9 a reissuance. The temporary license shall be valid until the
10 permanent license is issued, but in no case any longer than
11 sixty days from issuance. "

12 Section 7. A new section of the Motor Vehicle Code is
13 enacted to read:

14 "[NEW MATERIAL] LICENSE SUSPENSION OR REVOCATION. -- After
15 notice and hearing, the division may suspend or revoke the
16 license of any vehicle salesperson for:

17 A. failure to meet the statutory requirements for
18 the license; or

19 B. violation of any statute or rule governing the
20 sale of motor vehicles or requiring any disclosure in connection
21 with the sale. "

22 Section 8. TEMPORARY PROVISION. -- Any individual who was
23 engaged on January 1, 1997 in activities that require a vehicle
24 salesperson license after the effective date of this act may
25 apply to the motor vehicle division of the taxation and revenue

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1 department for a license, notwithstanding the fact that the
2 individual does not meet the requirements for licensure. The
3 division shall issue a license, and requirements for future
4 licensure shall be determined solely on the basis of
5 circumstances occurring after the issuance.

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**State of New Mexico
House of Representatives**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 6, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred

HOUSE BILL 1243

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 6, line 23, after "a" insert "dealer or".,
and thence referred to the TRANSPORTATION COMMITTEE.

Respectfully submitted,

Fred Luna, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBI C/HB 1243

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Getty, Gubbels, Kissner, Varela

Absent: None

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Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 14, 1997

Mr. Speaker:

**Your TRANSPORTATION COMMITTEE, to whom has been
referred**

HOUSE BILL 1243, as amended

**has had it under consideration and reports same WITHOUT
RECOMMENDATION, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Daniel P. Silva, Chairman

FORTY- THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 4 Against

Yes: 8

No: Gentry, Larranaga, Parsons, Russell

Excused: None

Absent: None

M \H1243

Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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FIRST SESSION, 1997

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No: Gentry, Larranaga, Parsons, Russell

Excused: None

Absent: None

M \H1243

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FORTY-THIRD LEGISLATURE

FIRST SESSION

March 17, 1997

HOUSE FLOOR AMENDMENT number ___1___ to HOUSE BILL 1243, as amended

Amendment sponsored by Representative Edward C. Sandoval

1. On page 7, line 3, before "future" insert "all".
2. On page 7, line 5, before "issuance" insert "first".

Edward C. Sandoval

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FORTY-THIRD LEGISLATURE
FIRST SESSION

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HB 1243

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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